

An Ordinance to Regulate the placement of boat moorings in outlying waters adjacent to the Village of Egg Harbor pursuant to Section 30.745 Wisconsin Statutes.

In order to protect the public's rights to the use of navigable waters and provide for public health and safety, the Village Board of the Village of Egg Harbor do ordain pursuant to the enabling section of Wisconsin Statute 30.745 (2) as follows:

#### Section I: Definitions

A. Adjacent outlying waters: the outlying waters adjacent to the boundaries of a municipality and extending outward for a distance of one-half mile.

B. Protected Zone: That tract of submerged land being part of the bed of Green Bay in or adjacent to Section 25, Township 30 North Range 26 East in the Village of Egg Harbor, more particularly described as follows: Commencing at the SE corner of Lot 23 of Eames First Addition to the Village of Egg Harbor, thence west along the south line of said Lot 23 99.40 feet to an existing 2" iron pipe which is on the west right-of way line of White Cliff Road, thence S 03°30' W along said west right-of-way line of White Cliff Road extended 359.46 feet, thence west 65.67 feet to the intersection of the existing shoreline and the north side of the Village Pier said point being the point of real beginning, thence run along the north and west side of said Village Pier on the following distance and bearings; S 74°24'20" W 100.78 feet, S 61°45'40" W 100.33 feet, S 36°31'30" W 41.88 feet, S 32°05'10" W 50.8 feet, S 27°14'15" W 223.23 feet to the end of the Village Pier, thence S 12°44'50" W 624.91 feet across the waters of Green Bay to the NW corner of the John Burnham Dock, thence S 62°35' E along the north edge of said John Burnham Dock 138.24 feet, thence S 47°30' E along said north edge of the John Burnham Dock 285.30 feet to the existing shoreline of Green Bay, thence northeasterly, northerly and northwesterly along said existing shoreline of Green Bay to the point of real beginning.

#### C. Riparian Property Owner

The owner of a parcel of real property which boundary is contiguous to the waters of the Bay of Green Bay up to and including the high water mark of said Bay.

D. Mooring: A permanent anchorage for securing a boat consisting of, but not limited to, a floating device attached to an anchor by a chain or rope.

E. Village: The Village of Egg Harbor, a Wisconsin municipal corporation.

#### Section II:

##### A. Placement of Moorings

1. No mooring shall be placed in the adjacent outlying waters of the Village unless the person has obtained a permit from the Village Board.

2. No permit shall be issued for a mooring unless the person is the riparian property owner as defined in Section I of this ordinance or the person has the written permission of the riparian property owner and the mooring is not an existing mooring pursuant to Section II., D, of this ordinance.

3. Not more than one mooring shall be permitted for each 150 feet of shore frontage, except not less than one mooring may be permitted per lot.

4. The structure of the mooring, and its proper placement, shall comply with the standards and guidelines established by the United States Coast Guard.

5. A mooring shall have permanently attached numbers which are visible with lettering no less than three inches in height identifying the buoy. The numbers shall be the Village permit number.

##### B. Designated Mooring Area

1. Moorings in addition to those permitted in Section A may be permitted within a designated mooring area.
2. The Village may permit a designated mooring area provided there are adequate assurances that the rights of riparian property owners and the general public are protected.
3. The applicant for a designated mooring area shall submit to the Village Board for review a plan showing, the location of the area, its relation to adjacent property, location of parking, toilets and other on shore facilities, number and location of the moorings, and any other data necessary for the Board to make a decision.
4. The application for a designated mooring area shall be put to a public hearing prior to the Board's decision.

#### C. Protected Zone

1. In order to provide an area for transient anchorage and sheltered moorings which is protected from high seas, not more than 8 moorings including existing moorings as permitted in Section D shall be permitted within the protected zone.
2. No permanent mooring shall be placed within 200 feet of the southerly most point of the Village dock.
3. The placement of moorings within the protected zone shall comply all provisions of this ordinance except

#### Section II

##### D. Existing Moorings

1. The moorings which were permitted by the United States Army Corps of Engineers prior to the adoption of this ordinance may continue to be used provided they are in compliance with this section including the obtaining of a permit pursuant to Section II (E).
2. An existing mooring which is not used by the permit holder for one boating season shall be considered forfeited and the permit shall be void.
3. An existing mooring may be continued to be used by the permit holder of the mooring at the time of the adoption of this ordinance. If a mooring is transferred to a new permit holder, its placement shall be in compliance with this ordinance.
4. An existing mooring permitted under this section may be used only by the original mooring owner who has obtained a permit. When there is continuous use for more than Thirty (30) days by one other than the original owner and permit holder of an existing mooring, it shall be considered that the right to the permit is forfeited and the permit shall be null and void without the possibility of reissuance.
5. Any existing mooring which is placed in a location which infringes on the rights of riparian property owners or the rights of general public to access to public waters may be ordered relocated by the Village Board. The Village Board shall hold a public hearing prior to ordering the relocation of an existing mooring. If the moorings endanger the safety and welfare of the vessels in the area or that of riparian owners or the general public, the Village constable can remove the moorings immediately pursuant to the Village's police power. The moorings shall be returned to the owner within a reasonable time.

##### E. Permits

1. Prior to placing a mooring, a person shall apply to the Village for a permit to place a mooring.

2. The applicant shall furnish to the Village his name, permanent address, location of the proposed mooring, description of its construction, names and addresses of the riparian property owners within 200 feet of the proposed mooring.
3. The Village shall establish an annual fee for a mooring permit to cover the cost of processing the application and administering this ordinance.
4. Mooring permits shall be valid for one year and shall expire on December 31 of the year issued.
5. The Village shall issue a number which shall be displayed on the permitted mooring buoy.
6. Permits may not be assigned unless written approval consenting to the assignment is given by the Village Clerk.

### Section III.

#### A. Violation

1. It shall be a violation of this ordinance to;
  - a) Place a mooring without obtaining a permit.
  - b) One who places, uses or assigns a mooring other than as provided for in this ordinance.
  - c) Fail to pay a fee required by this ordinance.
2. Each day a violation continues shall be considered a separate offense.
3. At any time when the safety and welfare of vessels, riparian land owners or the general public is endangered by the placement of a mooring, whether permitted or unpermitted, the Village constable, harbor master or other law enforcement personnel may remove said mooring immediately. Said mooring shall be returned to the owner within a reasonable time.

#### B. Penalty

1. Any person violating any provision of this ordinance shall be prosecuted pursuant to the provisions of Village Ordinance No. 53, "Enforcement of Ordinances".
2. The cash deposit for use with any citations issued pursuant to this ordinance shall be in the amount of \$50.00, and the amount of that cash deposit provision hereby preempts any other relevant cash deposit provisions recited in Ordinance No. 53 or any other ordinance and is intended to be controlling without the necessity of repeal of any prior provisions.

### Section IV:

#### A. Severability

1. The provisions of this ordinance are severable. If any provision of this ordinance is invalid, or if the application of any provision of this ordinance or of any provision of the Wisconsin Statutes adopted by it to any person or circumstances is invalid, such invalidity shall not affect the provisions or applications which can be given effect without the invalid provision or invalid application.

### Section V: Effective Date

1. This ordinance shall be in full force and effect upon and after its adoption and publication.

Passed and approved by the Village Board of the Village of Egg Harbor on the 17th day of May, 1982.